

## Message Text

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ORIGIN EB-07

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DRAFTED BY EB:PMMCGONAGLE:SL

11/22/74 EXT. 21644

APPROVED BY EB:JULIUS L. KATZ, ACTING

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O 221550Z NOV 74

FM SECSTATE WASHDC

TO AMEMBASSY PARIS IMMEDIATE

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FOR ASSISTANT SECRETARY THOMAS O. ENDERS

FOLLOWING SENT SECSTATE WASHDC FROM THE HAGUE 21 NOV 74:

QUOTE LIMITED OFFICIAL USE THE HAGUE 5641

E.O. 11652: N/A

TAGS: EAIR, NL

SUBJECT: CIVAIR--CAB ORDER RE KLM SCHEDULES

REFS: (A) STATE 255857

(B) THE HAGUE 5635

1. EMBASSY APPRISED MINISTER OF TRANSPORTATION WESTERTEPP MORNING OF NOV 21 OF DETAILS OF CAB NOV 20 ORDER NO. 74-11-83, INCLUDING RATIONAL AND PURPOSE OF ORDER AS SPELLED OUT IN REF A. DCM EXPLAINED THAT THIS ORDER IS FIRST STEP IN PROVISION 213 PROCESS, BUT THAT IT WILL NOT RPT NOT NECESSARILY LEAD TO A UNILATERAL DECISION BY THE BOARD TO REDUCE KLM'S SERVICE ACROSS THE NORTH ATLANTIC. SUCH A STEP, WESTERTEPP WAS TOLD, WILL DEPEND ON CAB'S DETERMINATION, AFTER REVIEW OF KLM SCHEDULES, WHETHER OPERATION OF SUCH SERVICE MAY BE CONTRARY TO APPLICABLE LAW OR MAY ADVERSELY AFFECT THE PUBLIC INTEREST.

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2. AFTER SATISFYING HIMSELF THAT HE HAD FULLY UNDERSTOOD THE PURPORT AND SCOPE OF THE BOARD'S ORDER, WESTERTERP RECALLED HIS STATEMENT TO THE EMBASSY TWO DAYS EARLIER (REF B) THAT THE GON WOULD IMMEDIATELY REQUEST ARBITRATION UNDER ARTICLE 13 OF THE BILATERAL TREATY AT SUCH TIME AS THE US ACTED UNILATERALLY AGAINST KLM. WESTERTERP QUESTIONED WHETHER THE BOARD'S ORDER OF YESTERDAY CONSTITUTED SUCH UNILATERAL ACTION. DCM REITERATED THAT THE ORDER WAS THE FIRST STEP IN THE 213 PROCESS, THE OUTCOME OF WHICH WAS NOT KNOWN TO THE EMBASSY AT THIS TIME. WESTERTERP DECLARED THAT HE COULD NOT AFFORD TO BE IN THE POSITION OF BEING CAUGHT SHORT. HE THEREFORE ASKED FOR THE DEPARTMENT'S VIEW ON WHETHER THE BOARD'S NOV 20 ORDER OF ITSELF CONSTITUTED UNILATERAL IRREVOCABLE ACTION BY THE US.

3. COMMENT: NEITHER THE TENOR NOR TONE OF WESTERTERP'S REMARKS REFLECTED AN ITCHINESS TO PULL THE ARBITRATION TRIGGER. AT THE SAME TIME WESTERTERP EMPHATICALLY DOES NOT WANT TO BE CRITICIZED FOR HAVING WAITED TOO LONG TO REQUEST ARBITRATION IF THAT APPEARS TO THE GON TO BE ITS ONLY RECOURSE. IT WOULD APPEAR TO BE IN OUR INTEREST TO GIVE WESTERTERP A PROMPT REPLY TO HIS QUESTION SO AS TO FORESTALL ANY UNTIMELY AND PERHAPS UNNECESSARY ACTION BY THE GON. GOULD UNQUOTE INGERSOLL

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## Message Attributes

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**Disposition Approved on Date:**  
**Disposition Authority:** KelleyW0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
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